

JUL 11 2007

Application No.: 10/635,424

Docket No.: JCLA11962-R3

REMARKSPresent Status of the Application

Pending claims 1, 3-7 and 11-14 were still rejected under 35 U.S.C. 103(a) as being unpatentable over Sisson (US 4,107,364) in view of Collier (US 5,260,126), as in the Final Office Action issued previously.

In response thereto, Applicants have further amended claim 1, canceled claims 11-14, added new claims 15 & 16 and submitted the following remarks. Reconsideration of claims 1 & 3-7 and consideration of new claims 15-16 are respectfully requested.

Discussion of Amendments to Claim 1

The addition of the words "*consisting of one layer*" constitutes no new matter, because an elastic nonwoven fabric consisting of one layer wherein a long elastomeric fiber and a long nonelastomeric fiber are uniformly mixed together is mentioned in the embodiments of this invention, for example, Example 1. The words "*spinning with a melt-blowing method or a spunbonding method that uses a spinneret having both a spinning hole for discharging elastomeric resin and another spinning hole for discharging nonelastomeric resin thereon*" were previously present in claim 11.

In addition, the amendment of "*the ratio of Bd to Ad is no less than 2*" is supported by page 17, line 18 of the specification of this application.

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**Discussions of Rejections under 35 U.S.C. 103(a)**

A feature (feature 1) of amended claim 1 and new independent claim 15 is that the elastic nonwoven fabric consists of one layer wherein a long elastomeric fiber and a long nonelastomeric fiber are uniformly mixed together by spinning with a melt-blowing method or a spunbonding method that uses a spinneret having both a spinning hole for discharging elastomeric resin and another spinning hole for discharging nonelastomeric resin thereon.

Another feature (feature 2) of amended claim 1 and new independent claim 15 is that the ratio of the average diameter (Bd) of the long elastomeric fiber to that (Ad) of the long nonelastomeric fiber is no less than 2.

Sisson fails to disclose the feature 1 or 2. In Sisson's Example 1 that was particularly pointed out by Examiner, the elastic nonwoven fabric is fabricated by *laminating* a web of a long elastomeric fiber between two webs of a long nonelastomeric fiber, and the Bd/Ad ratio is merely 1.32 (<2), as repeatedly mentioned in previous Responses. Though Sisson states in col. 14, lines 46-37 that "*the elastomeric and non-elastic filaments may be mixed in a generally homogenous layer*", the homogenization is always done after the long elastomeric fiber and the long nonelastomeric fiber are spun using *different spinnerets* (see FIG. 6 or 9 and related paragraphs of Sisson), or using *the same spinneret several times* (see Example 1 of Sisson), to form a number of filament layers. Therefore, the mixing uniformity of long elastomeric fibers and long nonelastomeric fibers in Sisson is surely lower than that in the instant invention.

It is noted that Examiner asserted in the Advisory Action that "*there is no degree of uniformity specified in claim 1 so that an argument that the prior art is not as uniform as the instant invention*

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*cannot be found persuasive*". However, Applicants respectfully point out that according to the context in last Response, the argument that the prior art is not as uniform as the instant invention is actually based on *the use of a spinneret having both a spinning hole for discharging elastomeric resin and another spinning hole for discharging nonelastomeric resin thereon* in the instant invention, but not merely based on the adverb "*uniformly*".

Sisson also fails to suggest or imply the features 1, at least because Sisson teaches to do the homogenization of the long elastomeric fiber and the long nonelastomeric fiber *after they are spun using different spinnerets or using the same spinneret several times*.

Sisson also fails to suggest or imply the features 2, for at least the reasons below. Since this invention is intended to prevent blocking of the long elastomeric fiber and improve the mixing uniformity of long elastomeric and long nonelastomeric fibers, the average diameter ( $Ad$ ) of the nonelastomeric fibers has to be sufficiently smaller than that ( $Bd$ ) of the elastomeric fiber ( $Bd/Ad \geq 2$ ) to effectively increase the total surface area of nonelastomeric fibers in the one layer and thereby inhibit contact between the long elastomeric fibers.

On the other hand, since Sisson does not teach or imply that inhibiting contact between the long elastomeric fibers can prevent blocking of the long elastomeric fiber and thereby improve the mixing uniformity of long elastomeric fibers and long nonelastomeric fibers, *in view of Sisson*, one of ordinary skill in the art is not motivated to increase the  $Bd/Ad$  ratio of 1.32 in Sisson and thereby inhibit contact between the long elastomeric fibers. It is also noted that the lower limit ( $=2$ ) of the  $Bd/Ad$  ratio in claim 1 is larger than the  $Bd/Ad$  ratio of 1.32 taught in Sisson by as much as about 51%. This makes the feature 2 of claims 1 & 15 even more non-obvious over Sisson.

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It is also noted that Collier also fails to suggest or imply the above feature 1 or 2.

For at least the above reasons, Applicants respectfully submit that independent claims 1 & 15 and claims 3-7 & 16 dependent therefrom all patently define over the prior art.

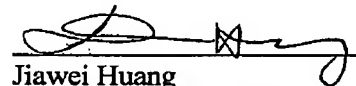
### CONCLUSION

For at least the foregoing reasons, it is believed that claims 1, 3-7, 15 and 16 are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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Respectfully submitted,  
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